



25 MAR 2008

Reed Smith
Attn: Patent Records Department
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

In re Application of :
DARTY et al. :
Application No.: 10/553,892 :
PCT No.: PCT/US03/12536 :
Int. Filing Date: 22 September 2003 :
Priority Date: None :
Attorney Docket No.: 501014-20004A :
For: METHOD AND APPARATUS FOR
SENSING APPLIED FORCES

DECISION ON PETITION

This decision is issued in response to applicants' "Request to Withdraw Abandonment" filed 06 March 2008 which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 22 September 2003, applicants filed international application PCT/US03/12536 which claimed no priority date. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire on 22 March 2006.

On 21 October 2005, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and an information disclosure statement.

On 25 September 2006, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 02 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 25 September 2006 within the time period set therein.

On 06 March 2008, applicants filed the present petition which was accompanied, among other things: a copy of the declaration and a post card receipt dated 26 December 2006.

DISCUSSION

Applicants state in their present petition that a declaration was received at the United States Patent and Trademark Office on 26 December 2006. A review of the present application reveals that the declaration is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by the application number, title of invention, and attorney docket number. The receipt itemizes, among other things, a declaration. The receipt is stamped "Rec'd PCT/PTO 26 December 2006" across its face is sufficient to indicate that the above item was in fact received in the Office on 26 December 2006.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is GRANTED.

In view of the declaration filed 26 December 2006, the Notification of Abandonment (Form PCT/DO/EO/909) dated 02 November 2007 is hereby VACATED.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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